

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE TRUSTEES OF THE UNITE HERE
NATIONAL HEALTH FUND and THE TRUSTEES
OF THE UNITE HERE NATIONAL RETIREMENT
FUND,

Plaintiffs,

-against-

RUFFOLO BROS., INC.,

Defendant.

DEFAULT JUDGMENT

07 Civ. 6967 (RMB)

This action having been commenced on August 3, 2007 by the filing of a Complaint, and copies of the Summons and Complaint having been served upon defendant Ruffolo Bros., Inc., a New York corporation, by personal service upon Bibi Thompson, an agent authorized by appointment to receive service, on August 10, 2007, and proof of such service having been filed with the Court on August 15, 2007, and defendant not having appeared, answered or moved with respect to the Complaint, and the time for appearing, answering or moving having expired,

NOW, THEREFORE, upon the application of Mark Schwartz, Esq., attorney for plaintiffs, it is

ORDERED, ADJUDGED AND DECREED that plaintiff Trustees of the UNITE HERE National Health Fund have judgment against defendant Ruffolo Bros., Inc. for delinquent contributions for the period of January 2007 through and including May 2007 in the principal amount of \$14,295.60, plus interest at one percent (1%) per month or part thereof for the period January 2007 through October 2007 in the amount of \$1,286.60, liquidated damages of twenty percent (20%) of the delinquent contributions in the amount of \$2,859.12, all totaling \$18,441.32 as of October 1, 2007; and it is further

ORDERED, ADJUDGED AND DECREED that plaintiff Trustees of the UNITE HERE National Retirement Fund have judgment against defendant Ruffolo Bros., Inc. for

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/31/2007

delinquent contributions for the period of January 2007 through and including May 2007 in the principal amount of \$4,209.75, plus interest thereon at one percent (1%) per month or part thereof in the amount of \$378.90, liquidated damages of twenty percent (20%) of the delinquent contributions in the amount of \$841.95 , all totaling \$5,430.60 as of October 1, 2007; and it is further

ORDERED, ADJUDGED AND DECREED that plaintiff Trustees of the UNITE HERE National Health Fund and plaintiff Trustees of the UNITE HERE National Retirement Fund have judgment against defendant Ruffolo Bros., Inc. for costs of the instant action in the amount of \$350.00; and it is further

ORDERED, ADJUDGED AND DECREED that defendant Ruffolo Bros., Inc. is restrained and enjoined permanently from becoming or remaining delinquent in its contributions to plaintiff Trustees of the UNITE HERE National Health Fund and plaintiff Trustees of the UNITE HERE National Retirement Fund , and ordering defendant to make such contributions in accordance with the terms and conditions of the Funds' rules and regulations and the collective bargaining agreement between defendant and the New York Metropolitan Area Joint Board, Local 89-22-1, UNITE HERE, and such other and further relief as may be proper; and it is further

ORDERED, ADJUDGED AND DECREED that interest continue to accrue at the legal rate from the date that judgment is entered until the judgment is paid.

Dated: 10/30, 2007
New York, New York

RMB

United States District Judge

Richard A. Berman